

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
Case No. 5:20-cv-00244-M

ALICIA MCNEILL,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	<b>ORDER</b>
KILOLO KIJAKAZI, Acting	)	
Commissioner of Social Security,	)	
	)	
Defendant.	)	

On June 2, 2021, Magistrate Judge Jones issued a memorandum and recommendation (the “M&R”).

[DE-21] Within the M&R, Judge Jones recommended that the court: (1) grant Plaintiff’s motion for judgment on the pleadings [DE-17]; (2) deny Defendant’s motion for judgment on the pleadings [DE-19]; and (3) remand the matter to Defendant for further proceedings. [DE-21] The deadline for Defendant to object to the M&R has passed, and Defendant has not filed any objections.

The Fourth Circuit has said:

The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made. By contrast, in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.

*Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (internal quotation marks, brackets, emphases, and citations omitted); see 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72.

The court has reviewed the M&R and the record and is satisfied that there is no clear error reflected on the face thereof. Accordingly, the court ADOPTS the M&R and GRANTS Plaintiff's motion for judgment on the pleadings, DENIES Defendant's motion for judgment on the pleadings, and REMANDS the matter to Defendant for further proceedings consistent with the M&R and this order.

SO ORDERED this the 18<sup>th</sup> day of August, 2021.

  
RICHARD E. MYERS II  
CHIEF UNITED STATES DISTRICT JUDGE